

## Message Text

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ACTION ARA-10

INFO OCT-01 SS-14 ISO-00 SSO-00 NSCE-00 SAB-02 PM-03  
SP-02 L-01 INR-05 CIAE-00 NSAE-00 DODE-00 INRE-00  
/038 W

-----091470 291800Z /53

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FM AMEMBASSY PANAMA

TO SECSTATE WASHDC IMMEDIATE 3906

C O N F I D E N T I A L PANAMA 7043

LIMDIS

E.O. 11652: GDS

TAGS: PBOR, PN

SUBJECT: NEGOTIATOR'S CONCERN OVER HEARINGS

1. THE POLITICAL COUNSELOR CALLED CARLOS LOPEZ GUEVARA ON  
ANOTHER MATTER THIS MORNING AND FOUND HIM DISTURBED OVER SOME  
OF THE TESTIMONY BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE  
-- PARTICULARLY THE FIRST DAY. TWO MATTERS SEEMED TO TROUBLE  
HIM MOST:

A. INTERPRETATION OF THE EXPEDITIOUS-PASSAGE CLAUSE THAT  
U.S. WAR VESSELS GET "PREFERENTIAL" TREATMENT OR THAT THEY  
MAY "GO TO THE HEAD OF THE LINE". LOPEZ GUEVARA SAID THAT  
ROYO AND ESCOBAR TENTATIVELY ACCEPTED PREFERENTIAL TREATMENT  
FOR US AND PANAMANIAN WAR VESSELS, BUT IN A LATER SESSION  
THIS WAS SPECIFICALLY REJECTED BY PANAMA AND THE WORD  
"EXPEDITIOUSLY" WAS SUBSTITUTED.

B. ASSERTIONS THAT THE TREATY GIVES THE US ANY RIGHT  
TO "INTERVENE" IN PANAMA. HE SAID THAT ARTICLE IV MEANS  
NOTHING MORE THAN WHAT IT SAYS. "INTERVENTION IS  
SIMPLY FORBIDDEN BY INTERNATIONAL LAW," HE SAID.  
"PANAMA CANNOT AGREE TO THE RIGHT OF THE US TO INTER-  
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VE." HE URGED THAT US OFFICIALS STOP USING THE  
TERM "INTERVENTION" IN DESCRIBING ITS RIGHTS UNDER THE  
TREATY. HE ALSO EXPRESSED THE VIEW THAT THOSE  
TESTIFYING BEFORE THE COMMITTEE ON MONDAY HAD MADE  
TOO MUCH OF GENERAL TORRIJOS' STATEMENT THAT PANAMA  
WAS UNDER THE UMBRELLA OF THE PENTAGON. "THE GENERAL  
WAS STATING A FACT, NOT GIVING THE US ANY RIGHT TO

INTERVENE." HE SAID HE HAD NO WAY OF KNOWING WHAT TORRIJOS THOUGHT OF THE TESTIMONY, BUT HE, LOPEZ, PERSONALLY WAS DISTURBED WITH MANY OF OUR INTERPRETATIONS. HE PROMISED TO "SET THE RECORD STRAIGHT" IN A SPEECH HE IS TO MAKE TONIGHT.

2. THE POLITICAL COUNSELOR POINTED OUT SOME STATEMENTS WHICH PANAMANIAN NEGOTIATORS HAD MADE WHICH DO NOT ACCORD WITH OUR UNDERSTANDING OF THE NEUTRALITY AGREEMENT. HE SAID THAT, ON BALANCE, THE POSITIONS ON NEUTRALITY GIVEN BY ESCOBAR AND ROYO, WHILE NOT IDENTICAL WITH OUR INTERPRETATION, WERE MODERATE IN THE PANAMANIAN CONTEXT. HOWEVER, CERTAIN STATEMENTS TAKEN BY THEMSELVES AND OUT OF THE OVERALL CONTEXT, HAVE PROVED DIFFICULT TO EXPLAIN TO SKEPTICAL SENATORS. HE POINTED OUT THAT MOST OF THE DIFFICULTIES IN THE SENATE SO FAR HAVE COME FROM UNCOMMITTED SENATORS SUCH AS BAKER AND STONE, RATHER THAN HARDLINE TREATY OPPONENTS. HE SUGGESTED THAT IT MIGHT BE USEFUL IF THE PANAMANIANS WOULD ESTABLISH A STANDARD POSITION, RATHER THAN SPEAK EXTEMPORANEOUSLY ON THIS DELICATE QUESTION.

3. LOPEZ GUEVARA SAID HE UNDERSTOOD THE DIFFICULTIES WHICH US NEGOTIATORS FACE AND ASKED FOR COPIES OF SOME OF THE OFFENDING REMARKS. HOWEVER, HE CAUTIONED THAT, NO MATTER HOW NECESSARY IN THE AMERICAN PROCESS, CONFIDENTIAL

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THERE WERE SOME THINGS THAT NO PANAMANIAN GOVERNMENT COULD ACCEPT.

4. COMMENT: AS THE NEGOTIATORS ARE AWARE, LOPEZ GUEVARA, THOUGH A MODERATE AND REASONABLE MAN, IS RELATIVELY INFLEXIBLE ON SOME QUESTIONS. AS HE POINTED OUT, HE WAS AT THE HEAD OF THOSE WHO DID NOT ACCEPT THE CONCEPT OF PRIORITY PASSAGE FOR US WAR VESSELS. HE IS CONSIDERED A TECHNICIAN WITHIN THE GOVERNMENT, BUT HE IS INFLUENTIAL. AS WE TALK WITH OTHER NEGOTIATORS AND OFFICIALS WHO ARE CAMPAIGNING FOR THE TREATY HERE, WE WILL URGE CAUTION ON ANY STATEMENT CONCERNING US RIGHTS UNDER THE NEUTRALITY TREATY. BUT WE ARE LIKELY TO BE FACED WITH INCREASING IRRITATION OVER-- AND PERHAPS PUBLIC DISAVOWALS OF--OUR INTERPRETATIONS. ANY ASSERTION WHICH SEEMS TO CLAIM A RIGHT TO INTERVENE IN PANAMA'S DOMESTIC AFFAIRS IS ALMOST SURE TO BE CHALLENGED HERE.  
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## Message Attributes

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**Disposition Approved on Date:**  
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**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
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**Original Handling Restrictions:** LIMDIS  
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**Review Markings:**  
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